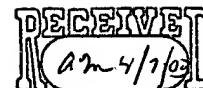


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANT(s): Ruutu V.

SERIAL NO.: 09/231,066

ART UNIT: 2685

FILING DATE: 1/14/1999

EXAMINER: Mehrpour, M.

TITLE: CELLULAR RADIO POSITIONING

ATTORNEY

DOCKET NO.: 836-008422-US (PAR)

Commissioner of Patents
Washington, D.C. 20231

PETITION TO RESET PERIOD FOR REPLY TO OFFICE ACTION

Dear Sirs:

Applicant hereby petitions to reset the period for reply to the Final Office Action mailed on November 4, 2002 (the "Office Action") (Paper No. 20). Applicant respectfully submits that there has been an unacceptably long period for receipt and/or processing by the USPTO of Applicant's response to the Office Action, filed on December 10, 2002 (the "Response"). Despite Applicant's attorneys submission of the Response to the Examiner via fax, on a number of occasions, it was only until March 21, 2003, after the undersigned contacted the Primary Examiner, Lester G. Kincaid, and re-faxed the Response, that the Response was acknowledged as being received. Unfortunately, a significant portion of the time in the six-month statutory response period has run, leaving Applicant in an extremely disadvantaged position. Applicant purposefully filed the Response very timely after receipt of the Office Actin in order

to avoid any extension fees. Due to the delay in the USPTO, Applicant is now into the second extension month.

On December 10, 2002, Applicant filed the Response by fax. A copy of the Response entitled "Request for Reconsideration", together with a certificate of mailing is attached hereto as Exhibit A. A copy of Applicant's attorneys mail log for that day is also attached, showing the transmission of the Response (Exhibit B). As is Applicant's attorneys custom, a telephone call was placed to Examiner Mehrpour to confirm receipt of the Response via fax. A telephone message was left.

On January 7, 2003, after not hearing back from Examiner Mehrpour, another call was placed. Examiner Mehrpour indicated that the Response had not been received. The Examiner provided another telephone number indicating that we should re-fax the Response to the new number. The Response was re-faxed on January 7, 2003 to Examiner Mehrpour (Copies of the fax cover sheet and fax transmission page are attached hereto as Exhibit C).

On January 8, 2003, a telephone message was left for Examiner Mehrpour to see if the re-faxed Response was received. On January 8, 2003, at 4:46 pm, Examiner Mehrpour left a voice message for the undersigned's assistant, Denise Spaulding, that the Examiner had received the Response.

On January 23, 2003, the undersigned left a message with Examiner Mehrpour requesting a status of the Response and application.

On January 27, 2003, the undersigned spoke to Examiner Mehrpour. She advised that she had not received the Response, and that its

submission/entry was not reflected in the computer records. The Examiner advised the undersigned to call back in a few days.

On January 30, 2003, the undersigned again left a message for the Examiner inquiring as to the status.

On February 3, 2003, in a telephone conversation, Examiner Mehrpour stated that she still had not received the Response. Another copy was faxed to Examiner Mehrpour to a telephone number she provided. Copies of that submission entitled "Resubmission of Previously Filed Document", together with a certificate of transmission and a copy of Applicant's attorneys' mail log is attached hereto as Exhibit D.

On February 21, 2003, in yet another telephone inquiry, the Examiner informed the undersigned that she still had not received the Response. A Request for Status was filed that same day (Copy attached hereto as Exhibit E). No response was received.

The undersigned was then out of the office for a few weeks through the first part of March.

On March 21, 2003, a telephone message was left by the undersigned with Examiner Mehrpour to determine the status of the Response.

After no response, that same day, a telephone call was placed to Primary Examiner, Lester G. Kincaid. He returned my voice mail and indicated that he checked the Central File records and that there was no record of the Response being received or entered. He instructed me to re-fax the case directly to his attention at (703) 746-5924 and he will ask Examiner Mehrpour to work on the case. Copies of the fax cover sheet, the confirmation of

transmission and the outgoing mail log are attached hereto as Exhibit F.

Subsequently, on March 21, 2003, the undersigned's assistant, Denise Spaulding spoke with Examiner Kincaid who indicated that he had received the Response.

However, since the original action (a Final) issued on November 4, 2003, Applicant is presently in the second month of extension. The failure of the USPTO to receive and enter the Response has unduly prejudiced Applicant, both in time and cost.

Therefore, Applicant respectfully requests that the period for reply to the Office Action mailed November 4, 2003 be reset, so that Applicant has at least as much time remaining in the statutory response period as there would have been had the USPTO properly processed and entered the Response on December 10, 2002 when it was originally transmitted by Applicant.

Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Geza C. Ziegler, Jr.
Geza C. Ziegler, Jr.
Reg. No. 44,004

25 MARCH 2003

Date

PERMAN & GREEN, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800 Ext. 134
Customer No.: 2512

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to 703-746-5924 on the date indicated below, addressed to the Box AF, Commissioner of Patents, Washington, D.C. 20231.

Date: 3/25/03

Signature: D. Boland
Person Making Deposit